

**U.S. Department of Justice**



*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

September 22, 2021

**BY ECF**

The Honorable J. Paul Oetken  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *FG Hemisphere Associates, LLC v. Democratic Republic of Congo et al.*,  
No. 19 Misc. 232 (JPO) – Potential Participation of the  
United States Pursuant to 28 U.S.C. § 517

Dear Judge Oetken:

It has come to the attention of the United States that on September 14, 2021, an Order was issued in the above-captioned matter which, *inter alia*, authorizes Plaintiff to deliver writs to the United States Marshals Service permitting execution of certain judgments on the “[Democratic Republic of Congo] and its agents’ property in the United States”; directs the United Nations Federal Credit Union (as well as TD Bank) to “turn over all assets of the . . . [Permanent Mission of the Democratic Republic of Congo to the United Nations], held in accounts in the name of the DRC Mission or in any of the names” of what appear to be a number of employees of the DRC Mission; and directs “the DRC and its agents” to respond to discovery requests. ECF No. 8 (the “Order”). While this letter does not constitute an opinion of the United States regarding the Order or any associated motion practice, it appears that the Order and the relief provided for therein may raise issues that implicate the interests of the United States.

The United States is actively considering whether to file a Statement of Interest in this matter, as permitted by 28 U.S.C. § 517. That statute authorizes the Attorney General of the United States to send any officer of the Department of Justice to “attend to the interests of the United States in a suit pending in a court of the United States, or in the courts of a State, or to attend to any other interest of the United States.” 28 U.S.C. § 517. The process for deciding whether to file a Statement of Interest involves coordination among interested government agencies and the approval of the U.S. Department of Justice through the Acting Assistant Attorney General for the Civil Division.

Taking into consideration the need for the consultation, analysis, and approval process to be completed, the United States respectfully requests the Court's leave to provide a further update to the Court in thirty days, on October 22, 2021. For this reason, the United States respectfully requests that the Court defer any judicial enforcement of the Order, including in particular the portions of the Order that direct turnover of assets and instruct the DRC "and its agents" to comply with discovery requests, to afford the United States the opportunity to engage in this process of review and consultation. If the United States makes a decision regarding its potential participation in this matter before October 22, 2021, it will immediately so notify the Court.

The United States appreciates the Court's consideration of this request.

Respectfully submitted,

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cc: All counsel of record (by ECF)